

In the Indiana Supreme Court

CASE NUMBER:

ORDER AMENDING RULES OF CRIMINAL PROCEDURE

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 2.1 and 11 of the *Indiana Rules of Criminal Procedure* are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA RULES OF CRIMINAL PROCEDURE

...

Rule 2.1. Appearance

...

(E) Temporary Appearance. In the event an attorney, different from any specifically identified in a previously filed appearance, is temporarily representing a party in a proceeding before the court, through filing a pleading with the court or in any other capacity including discovery, the new attorney shall file an appearance form. The appearance form shall contain the information set out in Section (A) or (B) above, shall provide the name, attorney number and all contact information of the attorney who has filed the prior appearance in the case, the new attorney's temporary status, and the date the temporary appearance shall end. The court shall not be required to act on the temporary appearance unless the new temporary attorney has not appeared at the request of a party's previously identified counsel.

~~(E)~~ (F) Forms. The Division of State Court Administration shall prepare and publish a standard format for compliance with the provisions of this rule.

...

Rule 11. Instructions by Judge After ~~Felony Trial~~ Sentencing or Contested Felony Probation Revocation

Upon entering a conviction, whether the acceptance of a guilty plea or by finding or by verdict, the court shall sentence a defendant convicted in a criminal case within thirty (30) days of the plea or the finding or verdict of guilty, unless an extension for good cause is shown.

~~Following the sentence of a defendant convicted of a felony after trial on a plea of not guilty, and following a judgment revoking probation of a defendant found to have violated the terms of his probation after a contested felony probation revocation proceeding, the judge shall immediately advise the defendant as follows:~~

Following the sentencing of a defendant after a trial or following a judgment revoking probation of a defendant found to have violated the terms of his probation after a contested felony probation revocation proceeding, the judge shall immediately advise the defendant as follows:

1. that he is entitled to take an appeal or file a motion to correct error;
2. that if he wishes to file a motion to correct error, it must be done within thirty (30) days of the sentencing;
3. that if he wishes to take an appeal ~~from the judgment~~, he must file a ~~notice~~ Notice of ~~appeal~~ Appeal designating what is to be included in the record on appeal within thirty (30) days ~~of~~ after the sentencing or within thirty (30) days after ~~the court's ruling on the motion to correct error~~ the motion to correct error is denied or deemed denied, if one is filed; if the ~~notice~~ Notice of ~~appeal~~ Appeal is not timely filed, the right to appeal ~~will~~ may be forfeited;

...

These amendments shall take effect January 1, 2006.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court

Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of July, 2005.

Brent E. Dickson
Acting Chief Justice of Indiana

All Justices concur.